



DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

BUCCAL, POLAR AND NON-POLAR SPRAY CONTAINING SUMATRIPTAN

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on (if applicable)
- ☒ was filed in the United States on September 29, 2003 as Application No. 10/671,710 with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | | |
|--------------------------------------------------------------------------------------------|---------|--------------------------------------|------------------------------|-----------------------------|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED | |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

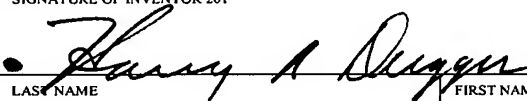
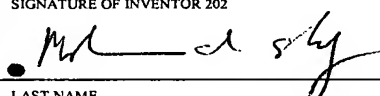
I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-------------|
| | |
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|-------------------------------------------|-----------------|----------|-------------------------------------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| 10/230,059 | August 29, 2002 | | <input checked="" type="checkbox"/> | |
| 09/537,118 | March 29, 2000 | | <input checked="" type="checkbox"/> | |
| PCT/US97/17899 | October 1, 1997 | | | |

* for use only when the application is assigned to a company, partnership or other organization.

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------|------------------------|-----------------------------------------|
| SEND CORRESPONDENCE TO: | PENNIE & EDMONDS LLP 1667 K Street, N.W. Washington, D.C. 20006 PTO Customer No. 20582 | DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (202) 496-4400 | | | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. | | | | | |
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME Dugger, III | FIRST NAME Harry | MIDDLE NAME A. | |
| | RESIDENCE & CITIZENSHIP | CITY Flemington | STATE OR FOREIGN COUNTRY NJ | | COUNTRY OF CITIZENSHIP United States |
| | POST OFFICE ADDRESS | STREET 548 Sargentville Road | CITY Flemington | STATE OR COUNTRY NJ | ZIP CODE 08822 |
| | SIGNATURE OF INVENTOR 201  | | | DATE Feb. 11, 2004 | |
| 2 0 2 | FULL NAME OF INVENTOR | LAST NAME Abd El-Shafy | FIRST NAME Mohammed | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Hauppauge | STATE OR FOREIGN COUNTRY NY | | COUNTRY OF CITIZENSHIP United States |
| | POST OFFICE ADDRESS | STREET 428 Townline Road | CITY Hauppauge | STATE OR COUNTRY NY | ZIP CODE 11788 |
| | SIGNATURE OF INVENTOR 202  | | | DATE Feb 11 2 2004 | |
| 2 0 3 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | SIGNATURE OF INVENTOR 203 | | | DATE | |
| 2 0 4 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | SIGNATURE OF INVENTOR 204 | | | DATE | |
| 2 0 5 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | SIGNATURE OF INVENTOR 205 | | | DATE | |



Express Mail No.: EV 335 859 053 US
POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dugger, et al. Confirmation No.: 2023
Serial No.: 10/671,710 Art Unit: 1616
Filed: September 29, 2003 Examiner: To be assigned
For: BUCCAL, POLAR AND NON-POLAR Attorney Docket No.: 11122-036-999
SPRAY CONTAINING SUMATRIPTAN

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NovaDel Pharma Inc. (applicant or assignee) hereby revokes any and all previous powers and appoints:

☒ Practitioners at Customer Number 20583

as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence address for the above-identified application to:

☒ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Jones Day, 222 East 41st Street, New York, New York 10017

Telephone: (212) 790-2803

I am the:

- ☐ Applicant/Inventor
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

| SIGNATURE of Applicant or Assignee of Record | | | |
|----------------------------------------------|---------|-----------------|--------------------------|
| Date: | 2/11/04 | Signature: | |
| | | Typed Name: | Harry A. Dugger, III. |
| | | Position/Title: | Chief Scientific Officer |

Statement Under 37 C.F.R. 3.73(b)

NovaDel Pharma Inc. states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.


2. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

3. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☒ Copies of assignments or other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: NovaDel Pharma Inc.

Date: Feb. 14, 2004 Signature: 
Typed Name: Harry A. Dugger, III.
Position/Title: Chief Scientific Officer

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

- ☐ Total of forms are submitted.

ASSIGNMENT

WHEREAS, WE, HARRY A. DUGGER, III and MOHAMMED ABD EL-SHAFY, ASSIGNORS, citizens of the United States, residing at 548 Sargentville Road, Flemington, New Jersey, 08822; and 428 Townline Road, Hauppauge, New York, 11788; respectively, are the inventors of the invention in **BUCCAL, POLAR AND NON-POLAR SPRAY CONTAINING SUMATRIPTAN** for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
☒ which is identified by Jones Day docket no. 11122-036-999
☒ which was filed on September 29, 2003, Application No. 10/671,710

and WHEREAS, **NOVADEL PHARMA, INC.** with offices At 25 Minneakoning Road, Flemington, New Jersey 08822; ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date Feb. 11, 2004 Harry A. Dugger, III L.S.
 HARRY A. DUGGER, III.
 Date Feb 11 2004, 2004 Mohammed Abd El-Shafy L.S.
 MOHAMMED ABD EL-SHAFY
 State of)
) SS.:
 County of)

On FEB. 11, 2004, before me, Bernardine Wrubel, Notary Public, personally appeared Harry A. Dugger, III., personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Bernardine Wrubel
 State of)
) SS.:
 County of)

BERNARDINE WRUBEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/26/2007

On FEB. 11, 2004, before me, Bernardine Wrubel, Notary Public, personally appeared Mohammed Abd El-Shafy, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Bernardine Wrubel

BERNARDINE WRUBEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/26/2007